

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:11CR262 CEJ NAB
)
RICHARD McDANIELS,)
)
 Defendant.)

ORDER AND SPEEDY TRIAL FINDING

This matter is before the Court on Defendant's Motion to Continue the Motion Deadline [\[Doc. #18\]](#) filed on October 3, 2011. In support of the Motion Defendant stated that the Defendant had surgery near the end of September 2011 and, thereafter, had a complication related to the surgery. Therefore, counsel needs additional time to consult with Defendant to review the government's evidence.

IT IS HEREBY ORDERED that Defendant's Motion to Continue the Motion Deadline [\[Doc. #18\]](#) is **GRANTED**. Defendant shall have to and including **October 19, 2011** to file any pretrial motions or waiver of motions. The government shall have until **October 26, 2011** to respond.

IT IS FURTHER ORDERED that the evidentiary hearing set for **October 14, 2011** shall be continued until **November 1, 2011 at 9:00 a.m.**

Speedy Trial Finding: For the reasons set out in Defendant's motion, the Court finds that to deny Defendant's request for such additional time would deny counsel for Defendant the reasonable time necessary for effective investigation and preparation of pretrial motions, taking into account the exercise of due diligence, and that the ends of justice served by granting

Defendant's request for additional time outweigh the best interest of the public and Defendant in a speedy trial, and therefore, the time granted to Defendant to investigate and properly prepare pretrial motions, or a waiver thereof, is excluded from computation of Defendant's right to a speedy trial pursuant to 18 U.S.C. §§ 3161(c)(1) and 3161(h)(7).

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of October, 2011.